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and Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.)*

**IN THE UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT) ANTITRUST  
LITIGATION

Case No. 07-5944 SC

MDL. No. 1917

This Document Relates to:

*Dell Inc. v. Hitachi, Ltd.*, No. 13-cv-02171

**DECLARATION OF MOLLY M.  
DONOVAN IN SUPPORT OF THE  
TOSHIBA DEFENDANTS'  
ADMINISTRATIVE MOTION TO  
SEAL DOCUMENTS PURSUANT TO  
CIVIL LOCAL RULES 7-11 AND 79-  
5(d)**

**[re Panasonic Documents]**

1 I, Molly M. Donovan, declare as follows:

2 1. I am an attorney with Winston & Strawn LLP, counsel for Defendants Panasonic  
3 Corporation of North America, MT Picture Display Co., Ltd., and Panasonic Corporation (f/k/a  
4 Matsushita Electric Industrial Co., Ltd.) (collectively, the “Panasonic Defendants”) in these actions.  
5 I am a member of the bar of the State of New York and I am admitted to practice before this Court  
6 *pro hac vice*. Except for those matters stated on information and belief, about which I am informed  
7 and which I believe to be true, I have personal knowledge of the facts stated herein and, if called as a  
8 witness, I could and would competently testify thereto.

9 2. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this matter  
10 (Dkt. 306). On October 29, 2013, Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba  
11 America Information Systems, Inc., and Toshiba America Electronic Components, Inc. (collectively,  
12 “Toshiba”) filed an Administrative Motion to Seal (Dkt. 2031), and lodged conditionally under seal,  
13 the following documents pursuant to Civil Local Rule 7-11:

14 (a) Portions of the Toshiba Response to Plaintiffs’ October 15, 2013 Letter  
15 Seeking Discovery Order and To Strike Errata (“Toshiba Response”) that contain information from  
16 deposition testimony that the Panasonic Defendants have designated “Highly Confidential”; and

17 (b) Certain exhibits to the Declaration of Matthew N. Frutig in Support of the  
18 Toshiba Response (“Frutig Declaration”) that contain transcript or video excerpts of deposition  
19 testimony that Defendants have designated as “Highly Confidential.”

20 3. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of the  
21 Panasonic Defendants to provide the basis for the Court to maintain under seal certain documents  
22 and information designated by the Panasonic Defendants as “Confidential” or “Highly Confidential”  
23 pursuant to the Stipulated Protective Order, and all references to those documents and information in  
24 the Toshiba Response and certain exhibits to the Frutig Declaration.

25 4. Attached as Exhibit 3 to the Frutig Declaration are excerpts from the deposition  
26 transcript of Ayumu Kinoshita.

1           5.       Upon information and belief, the transcript excerpts appearing in Exhibit 3 to the  
2 Frutig Declaration consist of, cite to, and/or identify confidential, nonpublic, proprietary and highly  
3 sensitive business information. These transcript excerpts contain, cite, and/or identify confidential  
4 information about the Panasonic Defendants' pricing practices and competitive positions. These  
5 transcript excerpts describe relationships with companies that remain important to the Panasonic  
6 Defendants' competitive position. I am informed and believe that this is sensitive information and  
7 public disclosure of this information presents a risk of undermining the Panasonic Defendants'  
8 business relationships, would cause it harm with respect to its competitors and customers, and would  
9 put the Panasonic Defendants at a competitive disadvantage.

10           6.       Attached as Exhibit 4 to the Frutig Declaration are excerpts from the deposition  
11 transcript of Shinichi Iwamoto.

12           7.       Upon information and belief, the transcript excerpts appearing in Exhibit 4 to the  
13 Frutig Declaration consist of, cite to, and/or identify confidential, nonpublic, proprietary and highly  
14 sensitive business information. These transcript excerpts contain, cite, and/or identify confidential  
15 information about the Panasonic Defendants' pricing practices and competitive positions. I am  
16 informed and believe that this is sensitive information and public disclosure of this information  
17 presents a risk of undermining the Panasonic Defendants' business relationships, would cause it  
18 harm with respect to its competitors and customers, and would put the Panasonic Defendants at a  
19 competitive disadvantage.

20           8.       Attached as Exhibit 5 to the Frutig Declaration are excerpts from the deposition  
21 transcript of Hirokazu Nishiyama.

22           9.       Upon information and belief, the transcript excerpts appearing in Exhibit 5 to the  
23 Frutig Declaration consist of, cite to, and/or identify confidential, nonpublic, proprietary and highly  
24 sensitive business information. These transcript excerpts contain, cite, and/or identify confidential  
25 information about the Panasonic Defendants' pricing practices and competitive positions. I am  
26 informed and believe that this is sensitive information and public disclosure of this information  
27 presents a risk of undermining the Panasonic Defendants' business relationships, would cause it  
28

1 harm with respect to its competitors and customers, and would put the Panasonic Defendants at a  
2 competitive disadvantage.

3 10. Attached as Exhibit 6 to the Frutig Declaration are excerpts from the deposition  
4 transcript of Masaki Sanogawaya.

5 11. Upon information and belief, the transcript excerpts appearing in Exhibit 6 to the  
6 Frutig Declaration consist of, cite to, and/or identify confidential, nonpublic, proprietary and highly  
7 sensitive business information. These transcript excerpts contain, cite, and/or identify confidential  
8 information about the Panasonic Defendants' business practices, pricing practices and competitive  
9 positions. These transcript excerpts describe relationships with companies that remain important to  
10 the Panasonic Defendants' competitive position. I am informed and believe that this is sensitive  
11 information and public disclosure of this information presents a risk of undermining the Panasonic  
12 Defendants' business relationships, would cause it harm with respect to its competitors and  
13 customers, and would put the Panasonic Defendants at a competitive disadvantage.

14 12. The Toshiba Response quotes from or describes documents or information designated  
15 as "Highly Confidential" by the Panasonic Defendants pursuant to the Stipulated Protective Order,  
16 including but not limited to Exhibits 3, 4, 5 and 6. As with the exhibits themselves, I understand that  
17 the Panasonic Defendants consider any statements in the Toshiba Response purporting to summarize  
18 the exhibits or any other documents or information designated "Highly Confidential" by the  
19 Panasonic Defendants confidential and proprietary. I am informed and believe that the Panasonic  
20 Defendants have taken reasonable steps to preserve the confidentiality of information of the type  
21 contained, identified, or cited to in Exhibits 3, 4, 5 and 6 and referenced in the Toshiba Response.

22 13. I declare under penalty of perjury under the laws of the United States of America that  
23 the foregoing is true and correct.

24  
25 DATED: November 4, 2013

By: /s/ Molly M. Donovan  
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